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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/023,500

12/17/2001

Michael R. Nowak

P/73-7

4401

7590

08/02/2005

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EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/023,500

Applicant(s)

NOWAK ET AL.

Examiner

D. S. Nakarani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 3-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 25, 2005 has been entered.

2. Newly submitted claims 10, 11, 14, 15, 18, 19 and 20 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The invention of original claims 10, 11, 14, 15, 18 and 19 is directed to a poly one-side ream wrapper consisting essentially of paper surface-coated with an ethylene copolymer and/or terpolymer classified in class 428 subclass 511+ while amended claims 10, 11, 14, 15, 18, 19 and new claim 20 are directed to a ream of paper wrapped with a poly one-side ream wrapper of the original claims, classified in class 206, subclass 449+

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 10, 11, 14, 15, 18, 19 and 20 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

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3. Claims 3-9, 12, 13, 16 and 17 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 21, 2003.

4. Claim 2 is objected to because of the following informalities: claim 2, line 5, the word "octane" should read—octene—since octane is a saturated hydrocarbon and is not addition polymerizable with ethylene. Appropriate correction is required.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kittrell et al (U.S. Patent 5,196,269) with, as evidence, Eichbauer (U.S. Patent 5,922,441) and Ramesh et al (U.S. Patent 6,586,026 B1).

Kittrell et al disclose a paper substrate (14) coated with a layer (12) of low-density polyethylene, linear low-density polyethylene, medium density polyethylene, linear medium density polyethylene, high-density polyethylene, polypropylene or blend thereof and skin layer (10) of a blend of non-polar olefin polymer and a polar copolymer resin such as ethylene-acrylic acid copolymer or ethylene-methacrylic acid copolymer. The non-polar olefin polymer is same as recited for the layer (12) (Fig. 1, column 3, line 59 to column 4, line 10 and claims). The linear low-density polyethylene is a copolymer of ethylene and alpha olefin. The alpha olefin includes butene, hexane, octene etc. as evidenced by Eichbauer at column 5, line 62 to column 6 line 11. Thus Kittrell et al's reference meets claimed limitations. The invention as claimed is an open language and inclusive of other components not specified in claims. The limitation "forming a ream wrapper" bear no patentable weight since there is no structure of ream wrapper specified. Therefore the invention as claimed is considered as a coated paper. The linear low-density polyethylene and the linear medium density polyethylenes are copolymers of ethylene and alpha olefin. The alpha olefin includes butene, hexene, octene etc. as evidenced by Eichbauer at column 5, line 62 to column 6, line 11, and by Ramesh et al at column 6, lines 17-56. In an event, Kittrell et al do not teach a blend of linear low density polyethylene and linear medium density polyethylene, a person of ordinary skill in the art to which this invention pertain to utilize blend of linear low density polyethylene and linear medium density polyethylene to vary physical property of polyethylene layer.

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8. Applicant's arguments with respect to claims 10, 11, 14, 18 and 19 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D.S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.S. Nakarani/dh  
June 30, 2005

  
**D. S. NAKARANI**  
**PRIMARY EXAMINER**